

### **REMARKS/ ARGUMENTS**

Favorable reconsideration of this application is requested in view of the amendments above and the remarks which follow.

Claims 29-39 remain in this application. Claims 1-18 have been cancelled. Claims 19-28 have been withdrawn due to a restriction requirement.

#### **Rejections under 35 U.S.C. §112**

Claims 1-18 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-18 have been cancelled. Accordingly, this rejection is moot.

New claims 29-39 particularly point out and distinctly claim the subject matter which applicant regards as the invention. The positioning device for positioning the filament in the first chamber is indicated as item 134 in Figures 5, 6A, 6B, and 7. As an example, the positioning device may be y-z stage providing translation in both the y and z directions. Travel in the z direction would move the filament from the second chamber to the first chamber and towards the fiber suspended in the first chamber. Travel in the y direction would move the filament along the fiber suspended in the first chamber. In this manner, the filament can be aligned with the fiber to allow for uniform delivery of heat to a portion of the fiber.

#### **Rejections under 35 U.S.C. §102**

Claims 1-18 were rejected under 35 U.S.C. §102 based a typical house, in particular at least 5 houses in the 1970's (1970 houses) known personally to the Examiner. Claims 1-18 have been cancelled. Accordingly, this rejection is moot.

Fabrication of fiber-optic elements such as lensed fibers require complex steps and precise control, such as cannot be expected to be achieved using the various elements of the 1970 houses, such as a kitchen, incandescent bulb, closeable sheet of plywood, refrigerator, oven, and other household elements recited by the Examiner.

New claims 29-39 are presented to avoid any ambiguities in what the applicant regards as the invention. The apparatus recited in claims 29-39 allow an automated process for fabricating fiber-optic elements while increasing the number of fusion processes that can be accomplished

with a single filament. The apparatus allows the filament to be maintained in an inert atmosphere when not performing a fusion process, thereby extending the lifetime of the filament. The apparatus also allows the filament to be moved from the second chamber to the first chamber to conduct a fusion process when desired. These can all be done in an automated fashion, which when coupled with the uniform heat delivery of the filament would allow fiber-optic elements having desirable characteristics to be fabricated in a repeatable manner.

### **Conclusion**

The rejected claims have been amended and/or shown to be allowable over the prior art. Applicants believe that this paper is fully responsive to each and every ground of rejection cited by the Examiner in the Office Action dated December 31, 2003, and respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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